

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO. 4:19-cv-11093-TSH

PAUL JONES,

Plaintiff

v.

MONTACHUSETT REGIONAL TRANSIT
AUTHORITY, Et Al.,

Defendants

DEFENDANT’S OPPOSITION
TO PLAINTIFF’S EMERGENCY
MOTION TO RECONSIDER
PARTIAL DISCOVERY
CONSIDERATION

Defendants, Montachusett Regional Transit Authority (“MART”), and Rebecca Badgley, Donna Landry, Bonnie Mahoney, Karen Cordio, Joanne Norris, Stephanie Richards, Tamara Shumovskaya, Jessica Torres, Amanda Kukta, Robert Monk, Michelle Moyo, Ivan Roman, and Crystal Geisert (collectively “Individual Defendants”) (when inclusive of MART, collectively “Defendants”) hereby oppose Plaintiff Paul Jones’ (“Plaintiff”) Emergency Motion to Reconsider Partial Discovery Consideration on Grounds That Defendants Never Invoked, Denied or Argued They Did Not Exercise Control Over Plaintiff Deeming Defendants Plaintiffs Employer (“Motion to Reconsider”).

On March 15, 2021, the Court issued a Memorandum of Decision and Order denying Defendants’ Motion for Summary Judgment without prejudice and scheduling a status conference on April 27, 2021 to determine if limited discovery is necessary (“Order”). Pursuant to the Court’s Order, each party shall submit a proposed scheduling order setting forth what discovery they deem necessary to the issue of whether MART is Plaintiff’s employer under Title VII and Chapter 151B.

Plaintiff has now filed a Motion to Reconsider seeking full discovery for six months with no topic limitation on the grounds that “Defendants never invoked, denied or argued they did not exercise control over Plaintiff deeming Defendants Plaintiffs Employer.” Plaintiff’s Motion to Reconsider and the grounds for it are nonsensical. Defendants argued both in their motion to dismiss and in their motion for summary judgment that Defendants were not Plaintiff’s employer within the meaning of Chapter 151B and Title VII and in doing so waived no such arguments, as Plaintiff appears to be asserting.

While Defendants disagree that Plaintiff should be entitled to even limited discovery and assert that Defendants’ Motion for Summary Judgment should be granted, Defendants will comply with the Court’s March 15, 2021 Order and respond to Plaintiff’s proposed scheduling order at the Status Conference on April 27, 2021.

WHEREFORE, Defendants respectfully request that this honorable Court deny Plaintiff’s Emergency Motion to Reconsider Partial Discovery Consideration on Grounds That Defendants Never Invoked, Denied or Argued They Did Not Exercise Control Over Plaintiff Deeming Defendants Plaintiffs Employer.

DEFENDANT
MONTACHUSETT REGIONAL TRANSIT
AUTHORITY,

By its attorneys,

/s/ Deborah I. Ecker

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Dated: March 24, 2021
756045/MART/0006

CERTIFICATE OF SERVICE

I, Deborah I. Ecker certify that the above document will be served by first-class mail upon any party or counsel of record who is not a registered participant of the Court's ECF system, upon notification by the Court of those individuals who will not be served electronically.

Date: March 24, 2021

/s/ Deborah I. Ecker